



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 28, 2019

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BY ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Stephen M. Calk*, 19 Cr. 366 (LGS)

Dear Judge Schofield:

Pursuant to the Court's May 23, 2019 Order (Dkt. 5), the Government writes on behalf of the parties to propose discovery and motion deadlines and dates for a status conference and to advise on the parties' views on the exclusion of time under the Speedy Trial Act.

The parties propose that discovery, which is voluminous, be produced by the Government on a rolling basis beginning promptly and shall be completed by August 26, 2019, *i.e.*, 90 days from today.

The parties propose that motions directed at the sufficiency of the indictment shall be filed by July 12, 2019, *i.e.*, 45 days from today. The parties also propose that motions to suppress or motions otherwise based on the discovery shall be filed on or before September 25, 2019, *i.e.*, 30 days from the anticipated completion of discovery.

With respect to a status conference, the parties' preferred date is May 31, 2019, between 11:00 a.m. and 4:00 p.m. The parties alternatively propose the afternoon of June 17, 2019 or the morning of June 21, 2019.

The Government, with the consent of the Defendant, respectfully requests that time under the Speedy Trial Act be excluded through the date of the conference in the interests of justice pursuant to 18 U.S.C. § 3161(h)(7)(A) in order to allow the parties time to negotiate and propose a confidentiality order governing discovery productions, to allow the Government to begin making

discovery productions, and to allow the defense to review the Government's discovery productions and evaluate potential motions.¹

Respectfully submitted,

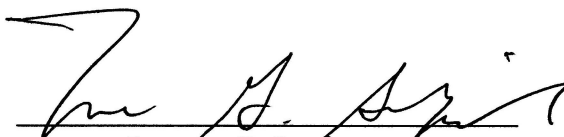
AUDREY STRAUSS
Attorney for the United States
Acting Under Authority Conferred by
28 U.S.C. § 515

by: /s/ Benet J. Kearney
Paul M. Monteleoni
Douglas S. Zolkind
Benet J. Kearney
Assistant United States Attorneys
(212) 637-2219/2415/2260

Application Granted in part. Rule 16 discovery shall be produced on a rolling basis and completed by **August 26, 2019**. In anticipation of any motion directed at the sufficiency of the indictment, the parties shall file pre-motion letters in the following manner. By **June 21, 2019**, Defendant shall file a pre-motion letter with a brief description of any motion(s) he intends to file, including the principal legal and other grounds in support of the motion(s). By **June 28, 2019**, the Government shall file a response, including the principal legal and other grounds in opposition to the motion(s). Each letter shall not exceed 3 single-spaced pages.

The parties shall appear for a status conference on **July 11, 2019 at 11:45 a.m.** The Court will set a briefing schedule at this conference. For the reasons stated above, the Court finds that the ends of justice served by excluding the time between today and July 11, 2019, outweigh the best interests of the public and the Defendant in a speedy trial as provided in 18 U.S.C. 3161(h)(7)(A). It is hereby ORDERED that the time between today and July 11, 2019 is excluded.

Dated: May 29, 2019
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

¹ The Government notes that Magistrate Judge Freeman, at the Defendant's arraignment on May 23, 2019, excluded time until June 6, 2019 under Section 3161(h)(7)(A) for similar reasons.